IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 31540 of 2006(D)

PETITIONER:

P.M.SANGEETHA, H.S.S.T. (HINDI)(SENIOR),
M.E.S.HIGHER SECONDARY SCHOOL, VANDANMEDU,
VANDANMEDU P.O., IDUKKI DIST.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF
GENERAL DEUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR,
HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM.

3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, ERNAKULAM.

4. THE CORPORATE MANAGER,
M.E.S. SCHOOLS,
MAVOOR ROAD, KOZHIKODE.

R1 TO R3 BY GOVT. PLEADER (SHRI A. J. VARGHESE)
R4 BY SHRI A.A. ABUL HASSAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C NO. 31540 OF 2006 D

Dated this the 6th December, 2006

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner joined the post of HSST (Hindi) (Senior) on the basis of Ext.P1. Ext.P1 is dated 18.7.2005. But, according to petitioner, it was issued only in July, 2006. Her apprehension is that when the appointment will be approved, it will be approved only from 1.8.2006 on which date the petitioner joined duty. According to petitioner, a perusal of Ext.P1 order would show that it is dated 18.7.2005 which would show that the vacancy existed prior to 18.7.2005 and it is with reference to that date that she is entitled to get approval. I heard Shri A.A. Abul Hassan, learned counsel appearing on behalf of fourth respondent. On instructions received, he submits that the date 18.7.2005 shown in Ext.P1 is a mistake. In fact, he pointed out that one single circumstance is sufficient to show that it is only a mistake, namely that the order of the Director of Higher Secondary Education No.C4/4905/05, which is referred to in

Ext.P1 order, is actually dated 1.3.2006. He points out that it clearly demonstrates that the date 18.7.2005 shown in Ext.P1 is incorrect and Ext.P1 is actually dated 18.7.2006. There appears to be some substance in the said contention. But, none-the-less, learned counsel for petitioner points out that the vacancy actually existed prior to 18.7.2005. Petitioner has preferred Ext.P2. Approval is yet to be given. In such circumstances, the Writ Petition is disposed of directing second respondent to consider Ext.P2 also, when the question of approval of the appointment of petitioner as HSST (Hindi) (Senior) is decided. A decision as to the approval of the appointment of petitioner shall be taken in accordance with law, after hearing the affected parties, within a period of two months from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

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